

## Federal Retirement Thrift Investment Board

## § 1604.2

forth in §1603.3, the agency automatic (1%) contributions and attributable earnings in his or her individual account are deemed vested and shall not be forfeited. If a FERS employee died on or before January 7, 1988, without meeting those service requirements, his or her agency automatic (1%) contributions and attributable earnings are forfeited to the Thrift Savings Plan.

[52 FR 29835, Aug. 12, 1987, as amended at 62 FR 33969, June 23, 1997; 68 FR 35497, June 13, 2003]

### § 1603.3 Service requirements.

(a) Except as provided under paragraph (b) of this section, FERS employees will be vested in their agency automatic (1%) contributions and attributable earnings upon separating from Government only if, as of their separation date, they have completed three years of service.

(b) FERS employees will be vested in their agency automatic (1%) contributions and attributable earnings upon separating from Government service if, as of their separation date, they have completed two years of service and they are serving in one of the following positions:

(1) A position in the Senior Executive Service as a non-career appointee (as defined in 5 U.S.C. 3132(a)(7));

(2) Positions listed in 5 U.S.C. 5312, 5313, 5314, 5315 or 5316;

(3) A position placed in level IV or level V of the Executive Schedule, pursuant to 5 U.S.C. 5317;

(4) A position in the Executive Branch which is excepted from the competitive service by the Office of Personnel Management because of the confidential and policy-determining character of the position; or

(5) A Member of Congress or a Congressional employee.

[52 FR 29835, Aug. 12, 1987, as amended at 60 FR 24535, May 9, 1995; 62 FR 33969, June 23, 1997]

## PART 1604—UNIFORMED SERVICES ACCOUNTS

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AUTHORITY: 5 U.S.C. 8440e, 8474(b)(5) and (c)(1).

SOURCE: 66 FR 50713, Oct. 4, 2001, unless otherwise noted.

### § 1604.1 Applicability.

This part describes the special features of TSP participation applicable to members of the uniformed services. Uniformed services members are also covered by the other regulations of 5 CFR chapter VI to the extent they do not conflict with the regulations of this part.

### § 1604.2 Definitions.

As used in this part:

*Basic pay* means basic pay payable under 37 U.S.C. 204 and compensation received under 37 U.S.C. 206.

*Bonus contributions* means contributions made by participants from a bonus as defined in 37 U.S.C. chapter 5.

*Civilian account* means the TSP account to which contributions have been made by or on behalf of a civilian employee.

*Civilian employee* means a TSP participant covered by the Federal Employees' Retirement System, the Civil Service Retirement System, or equivalent retirement plans.

*Combat zone compensation* means compensation received for active service during a month in which a member of the uniformed services serves in a combat zone.

*Combat zone contributions* means employee contributions that are made from compensation subject to the Federal income tax exclusion at 26 U.S.C. 112 for combat zone compensation.

*Employee contributions* means contributions made by participants from basic pay, incentive pay, and special pay (including bonuses).

*Employing agency* means the organization that employs an individual who is eligible to contribute to the TSP and that has authority to make compensation decisions for that employee.